

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

DEBORAH M ROSSICK and JACOB
M GODING,

Plaintiffs,

v.

Case No: 8:23-cv-332-CEH-SPF

ABBOTT LABORATORIES, INC.,
AMAZON.COM, INC., LAKELAND
REGIONAL HEALTH SYSTEMS,
INC., TIMOTHY C. GOMPF,
AMANDA L. DAVIS, CLIFFORD L.
WU and THE WATSON CLINIC,
LLP,

Defendants.

ORDER

This cause comes before the Court on Plaintiffs' Motion to Remand (Doc. 26), the Supplement to Motion to Remand (Doc. 29) and the Parties' Stipulation Regarding Remand. Doc. 30.

In the initial Motion, Plaintiffs sought remand of all the claims in this case. *See* Doc. 26. In the Supplement to the Motion, Plaintiffs indicated that they were modifying the relief requested and asked that the Court sever and remand the claims against all Defendants except Abbott Laboratories, Inc. and Amazon.com, Inc. Doc. 29 at 1–2.

The Parties also filed a corresponding Agreed Joint Stipulation that asks the Court to sever the claims against Defendants Lakeland Regional Health Systems, Inc

d/b/a Lakeland Regional Medical Center, Timothy C. Gompf, M.D., Amanda L. Davis, M.D., Clifford L. Wu, M.D., and The Watson Clinic, LLP, and remand those claims to the Circuit Court for the Tenth Judicial Circuit in and for Polk County, Florida. Doc. 30 at 2. The Stipulation requests that Plaintiffs' claims against Defendants Abbott and Amazon proceed under Federal Jurisdiction and states that the Parties anticipate that the matter will be transferred to MDL No. 3037, noting that Plaintiffs have withdrawn their objection to the conditional transfer order in MDL No. 3037. *Id.* Finally, the Parties stipulate that complete diversity of citizenship exists between them and that the amount in controversy in this action exceeds \$75,000.00. *Id.* at 2–3.

The Court, having considered the motion, being fully advised in the premises, and being advised of the Parties' agreement and stipulation (Doc. 30) orders that Plaintiffs' claims against Lakeland Regional Health Systems, Inc. d/b/a Lakeland Regional Medical Center, Timothy C. Gompf, M.D., Amanda L. Davis, M.D., Clifford L. Wu, M.D., and The Watson Clinic, LLP, be severed pursuant to Rule 21, Fed. R. Civ. P, which authorizes the Court on its own initiative, at any stage of the litigation, to add or drop any party or "sever any claim against a party." Because these Defendants are citizens of Florida, as are Plaintiffs (*see* Doc. 1-1 ¶¶ 2–15), they are not diverse, and the claims against them are due to be remanded to the Circuit Court for the Tenth Judicial Circuit in and for Polk County, Florida. Plaintiffs' claims against Defendants Abbott Laboratories, Inc. and Amazon.com, Inc. will not be remanded.

Accordingly, it is **ORDERED**:

1. Plaintiffs' Motion to Remand (Doc. 26) is **GRANTED-IN-PART** and **DENIED-IN-PART**.
2. Plaintiffs' Motion to Remand (Doc. 26) is **GRANTED** to the extent that Plaintiffs' claims against Lakeland Regional Health Systems, Inc d/b/a Lakeland Regional Medical Center, Timothy C. Gompf, M.D., Amanda L. Davis, M.D., Clifford L. Wu, M.D., and The Watson Clinic, LLP. are hereby severed and remanded to the Circuit Court for the Tenth Judicial Circuit in and for Polk County, Florida.
3. Plaintiffs' Motion to Remand (Doc. 26) is **DENIED** as to the claims against Abbott Laboratories, Inc. and Amazon.com, Inc. Plaintiffs' claims against those entities shall remain in this Court.
4. The Clerk is directed to transmit a certified copy of this Order to the Clerk of the Tenth Judicial Circuit Court in and for Polk County, Florida.

DONE and **ORDERED** in Tampa, Florida on May 8, 2023.


Charlene Edwards Honeywell
United States District Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties